

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

LAQUINTA DAWANDA SIMON,
Plaintiff,
vs.
COMMISSIONER OF SOCIAL SECURITY
ADMINISTRATION,
Defendant.

No. 1:21-CV-556
JUDGE MICHAEL J. TRUNCAL

**ORDER ADOPTING REPORT AND RECOMMENDATION AND
GRANTING APPLICATION FOR ATTORNEY'S FEES**

Before the court is a report and recommendation of the United States magistrate judge regarding the Plaintiff's Motion for 406(b) Attorney's Fees. The parties have not filed objections to the report. Having conducted an independent review, the court concludes that the report of the magistrate judge should be ADOPTED and the motion should be GRANTED. It is therefore ORDERED that the Plaintiff's Motion for Attorney's Fees Pursuant to 42 U.S.C. § 406(b) [Dkt. 27] is GRANTED. It is further

ORDERED that Counsel Howard D. Olinsky is awarded attorney fees under 42 U.S.C. § 406(b) in the amount of \$8,206.48. Upon receipt of that payment, Mr. Olinsky is ORDERED to refund EAJA fees in the amount of \$4,979.41 directly to the claimant. *See* 28 U.S.C. § 2412 note, Act of Aug. 5, 1985, Pub. L. No. 99-80, § 3, 99 Stat. 183, 186; *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002) (requiring attorneys to refund to the claimant the amount of the smaller fee).

SIGNED this 17th day of November, 2023.

Michael J. Truncal

Michael J. Truncal
United States District Judge